IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

J U D G M E N T

(1)S.B. CIVIL WRIT PETITION NO. 1987/1998
NAHAR SINGH Vs. STATE OF RAJASTHAN & ORS.

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(2) S.B. CIVIL WRIT PETITION NO. 1973/1998
SHAITAN SINGH Vs. STATE OF RAJASTHAN & ORS.

Date: 08.12.2006.

HON'BLE MR. K.S. RATHORE, J.

Mr. Dharamveer Tholia for the petitioners.
Mr. B.S. Chhaba, Addl. GA for the State.

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Since both the writ petitions involve similar question of law, therefore, they are being decided by this common judgment.

The controversy is that initially the petitioners were given appointment on the post of Constable-Driver purely on temporary basis for a fixed term and the term was extended from time to time. For regular appointment, a Board was constituted by the respondents and the petitioners were also called to appear in the written examination, but the petitioners did not appear in the written examination on the pretext that earlier there was no such precedent for Constable-Driver to appear in the written examination

and written examination was not conducted at that time, therefore, the petitioners did not appear for written examination.

The case of the respondents is that since there were number of candidates for the post of Constable-Driver, therefore, for short listing and to select the meritorious persons out of the persons who have applied, written examination was decided to be taken by the Selection Board for best amongst out of the persons who have applied for Constable-Driver.

I am not impressed with the submissions made on behalf of the petitioners that the call letter was served only on 20.12.97 and the written examination was to be conducted on 21.12.97 but the petitioners opted not to appear for written examination, therefore, the Selection Board has selected the Constable-Drivers and appointed on the post and the services of the petitioners, which were purely on temporary basis and were extended from time to time on availability of the regularly selected Constable-Drivers, were terminated.

I find no illegality in the termination order as the petitioners themselves have forgone the liberty to appear before the Selection Board.

Consequently, both the writ petitions fail being devoid of merit and the same are hereby dismissed.

(K.S. RATHORE),J.

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